

FILED

UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MAR 24 2016

CSG

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UNITED STATES OF AMERICA,

Plaintiff/Respondent,

MATTHEW J. DYKMAN
CLERK

v.

CV 15-1183 KG/WPL
CR 4-1746 KG

PATRICK JAMES PACHECO,


Defendant/Movant.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

This matter is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition (PFRD), filed March 23, 2016. (CV Doc. 7; CR Doc. 47.) The parties filed a Notice of Joint Wavier of Objection Deadline on March 23, 2016. (CV Doc. 9; CR Doc. 49.)

IT IS THEREFORE ORDERED that:

- 1) the PFRD is adopted as an order of the Court;
- 2) Pacheco's motion under 28 U.S.C. § 2255 (CV Doc. 1; CR Doc. 40) is granted with respect to his claim under *Johnson v. United States*, --- U.S. ---, 135 S. Ct. 2251, 2563 (2015);
- 3) the Court will order an expedited new Presentence Report; and
- 4) this case will be set for resentencing in a forthcoming Order.


UNITED STATES DISTRICT JUDGE